

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

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CRIMINAL NO: 07-352

v.

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SECTION: "N"

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XAVIER O'CONNOR

a/k/a "Money"

* * *

FACTUAL BASIS

Should this matter proceed to trial, the United States would prove the following facts to prove the defendant, XAVIER O'CONNOR's, guilt beyond a reasonable doubt:

Agents with the Federal Bureau of Investigation (FBI) investigation conducted an investigation into the drug trafficking activities of SHELDON DEAN, a/k/a "Shay," SHELDON THOMPSON, a/k/a "Turtle," **XAVIER O'CONNOR, a/k/a "Money,"** RANDY DEAN, a/k/a "Po," KEVIN COCKERHAM, a/k/a "Frog," COREY T. MUSE, a/k/a "Lambert," CLINTON RODRIGUEZ a/k/a "South," ALECIA WHITELEY, and THERESA WEAVER and others in the Eastern District of Louisiana and elsewhere. The investigation included the use of information from FBI agents, state and local law enforcement officers, and confidential sources. Agents analyzed pen register information and telephone toll records, conducted surveillance and made controlled narcotics purchases and seizures from members of this drug trafficking conspiracy. All substances obtained

from members of the organization tested positive for cocaine hydrochloride or heroin.

The FBI also utilized federal court ordered Title III wiretaps. On June 14, 2007, the Honorable Kurt D. Engelhardt, United States District Court Judge for the Eastern District of Louisiana, issued an Order authorizing the interception of wire communications made over telephone numbers (504) 609-6787 and (504) 270-3002, utilized by SHELDON DEAN, SHELDON THOMPSON, and XAVIER O'CONNOR. Interception of wire communications to and from (504) 270-3002 continued until July 13, 2007. Interception of wire communications to and from (504) 609-6787 continued until August 11, 2007. Historical and pending state drug arrests and state drug convictions, controlled undercover purchases, and wire intercepts of (504) 270-3002 and (504) 609-6787 revealed that SHELDON DEAN, RANDY DEAN, **XAVIER O'CONNOR**, and SHELDON THOMPSON were distributing heroin and other illegal drugs in the Eastern District of Louisiana. SHELDON DEAN and **XAVIER O'CONNOR** sold heroin together and for each other's benefit.

At trial, Jefferson Parish Sheriff's Office Detectives would testify that on or about February 9, 2007, they received information from a concerned citizen that he/she was observing suspicious activity in the 2200 block of Severn Ave, in Metairie. A silver Pontiac would be at that location several times a day with the driver, a black male, meeting other individuals and conducting exchanges. The Pontiac was reported to have pink and blue checkered markings. The activity would begin at 10 a.m. and continue throughout the day. A registration check on the license plate given by the citizen revealed that it belonged to SHELDON DEAN. The detectives set up surveillance of the 2200 block of Severn Ave., and observed a black male in the target Pontiac meet with several individuals conducting what officers believed to be hand-to-hand narcotics transactions.

Surveillance of the Pontiac following the transactions led the detectives to La Mason

Apartments. Detectives observed two black males, later identified as **SHELDON DEAN** and **XAVIER O'CONNOR**, exit Apartment #216 and enter the Pontiac. Detectives continued surveillance of the Pontiac and observed another hand-to-hand transaction. The customer involved in the exchange was stopped by the detectives and two foils of a substance that tested positive for heroin were recovered. The customer admitted purchasing the heroin from the driver of the Pontiac.

The detectives then stopped the Pontiac and made an arrest of the driver, **SHELDON DEAN** and the passenger, **XAVIER O'CONNOR**. Detectives would testify that a subsequent search of Apartment 216 at La Mason Apartments yielded drug paraphernalia, approximately 13 grams of marijuana, three handguns in the upstairs master bedroom occupied by **SHELDON DEAN**, and a Taurus Millennium 9 mm handgun with the serial number obliterated which was found in a second upstairs bedroom in a suitcase tagged as belonging to **XAVIER O'CONNOR**. Three hundred sixty (360) grams of heroin were also seized from the kitchen.

KEVIN COCKERHAM was a source of supply of heroin for **SHELDON DEAN**, **RANDY DEAN**, and **XAVIER O'CONNOR**. The wire interception revealed that **KEVIN COCKERHAM** supplied heroin directly to **SHELDON DEAN**.

For example, on June 25, 2007, **SHELDON DEAN** called **XAVIER O'CONNOR** and said, "I left Frog [**KEVIN COCKERHAM**] at home." **XAVIER O'CONNOR** asked if **SHELDON DEAN** "talked to him or saw him?" **SHELDON DEAN** replied that he saw him. **XAVIER O'CONNOR** asked "how that shit looked?" **SHELDON DEAN** replied that "it was salt and pepper like." **SHELDON DEAN** was leaving town and told **XAVIER O'CONNOR** he would "leave him with a zone" which agents interpreted as code for an ounce of heroin.

On June 26, 2007, a series of drug-related phone calls were intercepted which indicated that

XAVIER O'CONNOR was selling heroin to SHELDON DEAN's customers while SHELDON DEAN was out of town.

Agents applied for a wire interception of a telephone utilized by KEVIN COCKERHAM. On July 20, 2007, Judge Engelhardt issued an Order authorizing the interception of wire communications made over telephone number (504) 957-2288, utilized by KEVIN COCKERHAM. Interception of wire communications to and from (504) 957-2288 continued until September 13, 2007. Wire intercepts of (504) 957-2288 revealed that COREY MUSE was supplying illegal narcotics, including cocaine hydrochloride and heroin, to KEVIN COCKERHAM.

On August 22, 2007, Judge Engelhardt issued an Order authorizing the interception of wire communications made over telephone number (832) 473-9793, utilized by COREY MUSE. Interception of (832) 473-9793 ended on September 13, 2007.

The intercepted wire communications, along with physical surveillance, showed that COREY MUSE supplied KEVIN COCKERHAM with cocaine hydrochloride and heroin.

On July 28, 2007, agents intercepted a call from SHELDON DEAN to KEVIN COCKERHAM in which SHELDON DEAN asked if KEVIN COCKERHAM had any of the same. KEVIN COCKERHAM replied "no, it is new." KEVIN COCKERHAM told SHELDON DEAN to call him when "you get up and get there." About an hour later, agents intercepted an incoming call from KEVIN COCKERHAM to SHELDON DEAN in which SHELDON DEAN advised KEVIN COCKERHAM that he would be there in about two minutes. A few minutes later, KEVIN COCKERHAM called SHELDON DEAN and told SHELDON DEAN that he was just around the block. After SHELDON DEAN met with KEVIN COCKERHAM, SHELDON DEAN called **XAVIER O'CONNOR** and told him that he "was not home yet." SHELDON DEAN said that he

was “breaking shit and that your [**XAVIER O’CONNOR**] people’s shit was easy to break too . . . this shit is easy to break. . . Frog [was] in that Rover [with] that Texas plate.” Department of Motor Vehicles records would be introduced at trial to show that KEVIN COCKERHAM owned a Land Rover that was registered in Texas.

Approximately two hours later, SHELDON DEAN called **XAVIER O’CONNOR** and discussed the weight and price of KEVIN COCKERHAM’s heroin. SHELDON DEAN told **XAVIER O’CONNOR** that “Frog is linked.” **XAVIER O’CONNOR** asked “how much he hit you for . . . how much it was a piece? SHELDON DEAN replied, “it was like 19. . . 19 and a quarter.” **XAVIER O’CONNOR** said he was “trying to get it for 17 or 18.” Agents interpreted this conversation to be about the price of the heroin that SHELDON DEAN purchased heroin from KEVIN COCKERHAM.

The undersigned prosecutor and FBI Special Agents assigned to this investigation have done a thorough review of all drug types and quantities provable during the entire course of the conspiracy. The amount of narcotics that **XAVIER O’CONNOR** was responsible for distributing or that was reasonably foreseeable to him as being distributed in this case includes a total quantity of at least 1 kilogram but not more than 3 kilograms of heroin. This assessment was arrived at through careful analysis of all confidential informant purchases, wire interceptions, consensually monitored telephone calls, law enforcement surveillance, telephone records analysis, distributions, and witness interviews.

At trial the government would present the testimony of people who have purchased drugs from and who have sold drugs with the defendants. The government will also produce the powder cocaine and heroin that was recovered during this conspiracy.

READ AND APPROVED:

EMILY K. GREENFIELD (LA 28587)
Assistant United States Attorney

DATE

Gary Bizal ()
Counsel for Defendant

DATE

Xavier O'Connor
Defendant

DATE